

60,137-026

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. The specification, drawings and claims have been amended only to directly address issues maintained by the Examiner and to place the application in better condition for appeal. Claims 21, 27, and 29 have been amended and claims 13, 15, and 20 have been canceled. Accordingly, claims 1-12, 14, 16-19, and 21-31 are pending.

Claims 1-22 and 26-31 were rejected under 35 U.S.C. §112 FIRST PARAGRAPH. Applicant respectfully submits that the claims as amended are in proper condition according to §112 due to the above noted specification and drawing amendments which are supported by the specification as of the filing date. No new matter has been added as such a construction is implicitly required to obtain the graph of Figure 3. Moreover, such a construction is described in paragraph [7] (although — as noted by the Examiner — may be somewhat contradicted elsewhere). Most importantly, claims 11 and 22 also recite the inventive construction.

Claims 27 and 29 were rejected under 35 U.S.C. §112. Applicant respectfully submits that the claims as amended are in proper condition according to §112.

35 U.S.C. §102(b)

The Examiner states in paragraph 11 that a "mix head" as recited in claims 1 and 17, is a broad recitation satisfied, for example, by a tube, conduit or duct. The Examiner also admits that claims 27 and 29 "appear to distinguish the "mix head" from a simple conduit or duct by requiring a plurality of circumferentially located valve assemblies communicating with the mix head"

Applicant admits that the claims may be broad, however, the usage of the term "mix head" in claims 1 and 17, when read in light of the specification, is well known within the art of molding. The ordinary meaning of the term "mix head" provides a definite recitation of the claimed structure which cannot be fairly construed as suggested by the Examiner. Reconsideration of the rejection is respectfully requested as none of the cited art discloses or suggests a mix head. The cited references do not even suggest a molding system.

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Claims 1-7 and 17-19, 26, 28, and 30-31 were rejected under 35 U.S.C. §102(b) as being anticipated by *Larsen* (1,196,121.) As described above, Applicant respectfully traverses these rejection as none of the cited prior art discloses a mix head having a mixer section as recited in the independent claims.

Claims 1-5, 7-10, 12-21, 26, 28 and 30-31 were rejected under 35 U.S.C. §102(b) as being anticipated by *Paulson* (887,120.) *Paulson* discloses a musical instrument. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). *Paulson* is wholly unrelated to the present invention, which suggests that it is nonanalogous. Moreover, *Paulson* is not in Applicant's field of endeavor and is not reasonably pertinent to the particular problem that the applicant has solved. One would *never* look to the field of musical instruments to provide a valve arrangement for a molding system. A valve assembly which suppresses an initial surge of a multiple of fluid material components from a feed assembly of a molding system is not of any concern to the operation of a musical instrument which utilizes air to make sound. *Paulson* is not analogous art

Even if *Paulson* is considered analogous art, *Paulson* cannot meet the mix head having a mixer section as recited in each of the independent claims.

Applicant believes that no additional fees are required; however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. for any required fees or extensions.

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Applicant respectfully submits that this case is in condition for allowance.

Respectfully Submitted,
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